

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

VAPOR CITY AND SMOKE LLC,  
et al.,

Defendants.

CASE NO. C23-1781JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") second motion for a 45-day extension of time to perfect service on Defendant Vapor City and Smoke LLC ("Vapor City"). (2d Mot. (Dkt. # 11).) Because none of the Defendants have appeared in this action, the court exercises its discretion under Federal Rule of Civil Procedure 1 to decide this motion before its April 19, 2024 noting date. *See* Fed. R. Civ. P. 1 (directing courts to construe the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding"). The court has reviewed GS

1 Holistic's motion, the relevant portions of the record, and the governing law. Being fully  
2 advised, the court GRANTS GS Holistic's motion.

3 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a  
4 summons and a copy of the complaint and sets forth the specific requirements for doing  
5 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service  
6 must be effectuated, states in relevant part:

7 If a defendant is not served within 90 days after the complaint is filed, the  
8 court—on motion or on its own after notice to the plaintiff—must dismiss  
9 the action without prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows good cause for the  
failure, the court must extend the time for service for an appropriate period.

10 *Id.*

11 GS Holistic filed this action on November 20, 2023. (Compl. (Dkt. # 1).) As a  
12 result, Rule 4(m)'s 90-day deadline for effectuating service of process expired on  
13 February 18, 2024. Fed. R. Civ. P. 4(m). On February 21, 2024, the court granted GS  
14 Holistic a 45-day extension of this deadline because GS Holistic's process server did not  
15 properly serve Vapor City. (*See* 2/21/24 Order (Dkt. # 9).) The court directed GS  
16 Holistic to file proof of proper service by no later than April 3, 2024. (*See id.*)

17 GS Holistic has since made five unsuccessful attempts to serve Vapor City. (*See*  
18 2d Mot. ¶¶ 6-10.) As a result, GS Holistic requests an additional 45 days to effect proper  
19 service on Vapor City. (*Id.* ¶ 13.) The court concludes that GS Holistic has established  
20 good cause for a further extension of the deadline to serve Vapor City. Accordingly, the  
21 court GRANTS GS Holistic's motion (Dkt. # 11). GS Holistic shall file proof of proper  
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1 service on Vapor City by no later than **May 20, 2024**. No further extensions of this  
2 deadline will be granted.

3 Dated this 9th day of April, 2024.

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6 JAMES L. ROBART  
7 United States District Judge  
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